

REMARKS

Status Of Claims:

Claims 1-45 remain cancelled. Claims 46-89 are cancelled without prejudice or disclaimer. New claims 90-113 are added.

Thus, claims 90-113 are pending in the application. A detailed listing of all claims that are in the application, is presented, with appropriately defined status identifiers.

Claim Rejections:

Claims 46, 47, 51, 53, 57, 58, 62, 64, 68, 69, 73, 75, 79, 80, 84, and 86 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao et al. (U.S. Patent No. 6,674,756) (hereinafter Rao).

Claims 48, 52, 54, 55, 59, 63, 65, 66, 70, 74, 76, 77, 81, 85, 87, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao and further in view of Dougliis et al. (U.S. Patent No. 6,487,596) (hereinafter Dougliis).

Claims 49, 50, 56, 60, 61, 67, 71, 72, 78, 82, 83, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao and further in view of McNamara (U.S. Patent No. 6,262,976).

Claims 46-89 have been cancelled without prejudice or disclaimer and, thus, the rejections are moot.

New Claims:

New independent claim 90 recites a server for communicating packets between a plurality of client terminals and a plurality of application servers, the server comprising:

“a monitor configured to obtain at least a first item of control information and a second item of control information **from a packet** received by the server;

a decider configured to determine whether to alter a statistic based at least partially on (i) a comparison of the first item of control information with an item of information related to a client terminal **and** (ii) a comparison of the second item of control information with a particular item of information related to an application server, said decider configured to alter the statistic in a case where it is determined to alter the statistic, said decider configured to decide whether to disconnect the client terminal from the server in a case where the client terminal is connected to the server based at least partially on a comparison of the statistic with a value of a disconnection condition parameter specified for the client terminal; and

a disconnecter configured to disconnect the client terminal from the server in a case where it is decided by the decider to disconnect the client terminal from the server.” (Emphasis Added).

A server including the above-quoted features has at least the advantages that: (a) the server includes a monitor that is configured to obtain at least a first item of control information and a second item of control information from a packet received by the server; (b) the server includes a decider that is configured to determine whether to alter a statistic based at least partially on (i) a comparison of the first item of control information with an item of information related to a client terminal **and** (ii) a comparison of the second item of control information with a particular item of information related to an application server; and (c) the decider is configured to decide whether to disconnect the client terminal from the server in a case where the client terminal is connected to the server based at least partially on a comparison of the statistic with a value of a disconnection condition parameter specified for the client terminal.

Neither Rao, Douglass, nor McNamara, alone or in combination, disclose or suggest a server including the above-quoted features.

In the system of Rao, the resource manager 38 compares the **system resources in use** to an access threshold 330 associated with each logged-in user's QOA level and, if the **system resources in use** exceed a user's access threshold 330, the user is disconnected. (Rao; col.

16, lines 31-39). The system resources in use in the system of Rao are represented by a number of modems in use or a number of ISDN resources that have been allocated. (Rao; col. 17, line 20 – col. 18, line 42). However, the system of Rao does **not** determine whether to alter a value representing the number of modems in use or the number of ISDN resources that have been allocated based at least partially on (i) a comparison of a first item of control information obtained from a packet with an item of information related to a client terminal and (ii) a comparison of a second item of control information obtained from the packet with a particular item of information related to an application server.

In the system of Rao, when a user initiates a connection request, the connection manager 46 notifies the resource manager 38. (Rao; FIG. 16, steps 356 and 360; col. 18, lines 12-18). Based on the type of call (i.e., modem call or ISDN call), the resource manager 38 determines the type of resource to allocate to the call. (Rao; col. 18, lines 24-28). If the call is an ISDN call, ISDN resources are allocated, while if the call is a modem call, modem resources are allocated. (Rao; col. 18, lines 24-28). In the system of Rao, when the identified resource is allocated to the call in response to the connection request, the resource manager 38 proceeds to update its local resource table 334 indicating the allocation of the identified resource. (Rao; FIG. 16, steps 366 and 368; col. 18, lines 29-35). Thus, in the system of Rao, the value representing the system resources in use is updated **when a resource is allocated to a call in response to a connection request**. (Rao; FIG. 16, steps 366 and 368; col. 18, lines 29-35).

In the system of Rao, a user only starts transmitting and receiving data packets **after** the resource table has been updated, which is illustrated by steps 368 and 370 in FIG. 16 of the Rao reference. (Rao; FIG. 16, steps 368 and 370; col. 18, lines 33-42). As a consequence, the system Rao does **not** compare items of control information **obtained from a packet** with other information to determine whether to alter the value representing the system resources in use. (Rao; FIG. 16, steps 368 and 370; col. 18, lines 33-42). Instead, the value representing the system resources in use in the system of Rao is updated when a resource (e.g. modem) is allocated to a call in response to a connection request from a user,

and **prior** to any packets being transmitted or received by the user. (Rao; FIG. 16; col. 18, lines 12-42).

Douglis does not cure the deficiencies with respect to the teaching of Rao, because the system of Douglis similarly neither discloses nor suggests a decider configured to determine whether to alter a statistic based at least partially on (i) a comparison of a first item of control information obtained from a packet with an item of information related to a client terminal and (ii) a comparison of a second item of control information obtained from the packet with a particular item of information related to an application server. In the system of Douglis, a timeout threshold (T) is set for a user based on the user's connection pattern, and when a modem servicing the user **has been idle for T seconds**, it is disconnected. (Douglis; abstract; col. 3, lines 5-25). Douglis neither discloses nor suggests determining whether to alter **the idle time of a modem** based at least partially on (i) a comparison of a first item of control information obtained from a packet with an item of information related to a client terminal and (ii) a comparison of a second item of control information obtained from the packet with a particular item of information related to an application server. Instead, the idle time of a modem in Douglis simply measures a duration of an idle period of the modem. (Douglis; col. 3, lines 5-10).

McNamara similarly does not cure the deficiencies with respect to the teaching of Rao, because the system of McNamara also neither discloses nor suggests a decider configured to determine whether to alter a statistic based at least partially on (i) a comparison of a first item of control information obtained from a packet with an item of information related to a client terminal **and** (ii) a comparison of a second item of control information obtained from the packet with a particular item of information related to an application server. In the system of McNamara, if a **source** continues to generate excess packets, the network will logically disconnect that **source**. (McNamara; col. 36, lines 50-52). Thus, McNamara merely counts excess packets generated from a source to determine whether to disconnect the source, **without reference to a destination of the packets** generated by the source. (McNamara; col. 36, lines 50-52). Thus, the system of McNamara neither discloses nor suggests a decider configured to determine whether to alter a statistic based at least partially

on (i) a comparison of a first item of control information obtained from a packet with an item of information related to a client terminal **and** (ii) a comparison of **a second item of control information** obtained from the packet with **a particular item of information related to an application server**.

Therefore, new independent claim 90 is neither disclosed nor suggested by the Rao, Douglass, or McNamara references, alone or in combination, and, hence, is believed to be allowable.

New independent claim 98 recites a method in a server with features similar to features of a server of independent claim 90 and, thus, is believed to be allowable for at least the same reasons that independent claim 90 is believed to be allowable.

New independent claim 106 recites a computer readable storage medium in which a program is stored where the program causes a server to execute a process with features similar to features of a server of independent claim 90 and, thus, is believed to be allowable for at least the same reasons that independent claim 90 is believed to be allowable.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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